

TWENTY-SECOND DAY.

Senate Chamber,
Austin, Texas.

Wednesday, February 6, 1929.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Pollard.
DeBerry.	Russek.
Gainer.	Small.
Holbrook.	Stevenson.
Hornsby.	Thomason.
Hyer.	Westbrook.
Love.	Williamson.
Martin.	Wirtz.
McFarlane.	Witt.
Miller.	Woodul.
Moore.	Woodward.

Absent—Excused.

Greer.	Neal.
Hardin.	

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

Petitions and Memorials.

(See Appendix.)

Committee Reports.

(See Appendix.)

Bills and Resolutions.

By Senator Witt:

S. B. No. 441, A bill to be entitled "An Act amending Article 5090 of the Revised Civil Statutes of 1925, relating to prescriptions of physicians for intoxicating liquor and records of druggists relating thereto, and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Witt:

S. B. No. 442, A bill to be entitled "An Act authorizing banks to pay out of funds of deceased persons funeral and burial expenses under certain circumstances without waiting until the will is probated, enact-

ing certain exceptions and provisions, and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Parr:

S. B. No. 443, A bill to be entitled "An Act to promote the commercial potato growing industry in Texas, to authorize the Commissioner of Agriculture to fix and promulgate official standards for grading, classifying and inspecting Texas grown potatoes; to cooperate with the United States Department of Agriculture in accomplishing the purposes of this Act; to enter into agreements with the United States Department of Agriculture with regard to regulating the inspection of potatoes; to make all necessary rules and regulations to enforce the provisions of this Act, conforming as nearly as practicable with similar regulations prescribed by the United States Department of Agriculture; to provide for the enforcement of this Act by inspectors appointed by the Commissioner of Agriculture and by the Commissioners' Court of the county within which the duties of such inspectors are performed; to provide a method of payment of such inspectors; to provide notice by Commissioners' Courts of counties desiring such inspection to all common carriers receiving shipments of potatoes in car lots within such counties, of the appointment of such inspectors, and prohibiting such common carriers, after such notice, from receiving or accepting for shipment any Texas grown Irish potatoes not graded and classified by inspectors appointed by the Commissioner of Agriculture; prescribing the duties of inspectors so appointed, and of common carriers in connection therewith; providing for the collection of fees from persons offering such potatoes for shipment and limiting the amount of such fees so collected; providing for the payment of such fees into the county treasury of the county in which such inspection is made; creating a special Potato Inspection Fund from the proceeds of such fees; fixing the duties of the Commissioners' Courts of such counties; making it a misdemeanor to remove inspection placards or to violate any provision of this Act, and fixing a penalty therefor; making certificates of inspectors appointed

under the provisions of this Act prima facie evidence of the true grade, quality and condition of potatoes inspected under the provisions of this Act, and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Woodul.

S. B. No. 444, A bill to be entitled "An Act to amend Article 4891 of the Revised Civil Statutes of 1925, of the State of Texas, and to provide the conditions under which co-insurance clauses may be used in policies of insurance covering losses by fire to property in this State, and declaring an emergency."

The bill was read first time and referred to Committee on Insurance.

By Senator Parr.

S. B. No. 445, A bill to be entitled "An Act to clarify and make adequate the law regulating water control and improvement districts, and to cause the same to comport with section 59 of Article 16 of the Constitution of Texas."

The bill was read first time and referred to Committee on Mining, Irrigation and Drainage.

By Senators Berkeley, Wirtz and Woodward.

S. B. No. 446, A bill to be entitled "An Act extending oil and gas permits and combinations thereof issued on University lands that are valid and in good standing on the day of this Act takes effect, and the terms of which will expire on or before December 31, 1929; etc., and declaring an emergency."

The bill was read first time and referred to Committee on Public Lands and Land Offices.

By Senator Pollard.

S. B. No. 447, A bill to be entitled "An Act making better provision for the payment of salaries of school teachers in independent school districts; providing for the payment of interest where such salaries are not paid within thirty days after they become due; defining a school month to be used as a basis for the payment of such salaries; and declaring an emergency."

The bill was read first time and referred to Committee on Educational Affairs.

By Senator Parr.

S. B. No. 448, A bill to be entitled "An Act to provide more adequate compensation for County Judges in counties which have voted road and bridge bonds amounting to six million dollars or more, and in addition flood protection bonds amounting to one million dollars or more, and providing for the employment of a stenographer for such judges, and declaring an emergency."

The bill was read first time and referred to Committee on State Affairs.

By Senator McFarlane.

S. B. No. 449, A bill to be entitled "An Act to amend subdivision 78 of Article 199, of the Revised Civil Statutes of the State of Texas, of 1925, Section 1. Chapter 99, of the Acts of the Regular Session of the 38th Legislature, amending Section 1 Chapter 6 of the Acts of the Regular Session of the 34th Legislature, so as to more definitely define the territorial jurisdiction of the 78th Judicial District of Texas; etc., and declaring an emergency."

The bill was read first time and referred to Committee on Judicial Districts.

By Senator Small.

S. B. No. 450, A bill to be entitled "An Act validating the service of citation and the probating of wills, in so far as notice is concerned, where citation has been made by posting as provided for by Article 3334 and amendment thereto, without publishing notices in accordance with Article 28 Revised Civil Statutes of 1925, and declaring an emergency."

The bill was read first time and referred to Committee on Civil Jurisprudence.

By Senator Cousins.

S. B. No. 451, A bill to be entitled "An Act determining and fixing the annual salary of the County Superintendent of Public Instruction of Liberty County, Texas; providing for the payment of said salary; providing for the payment of office expense, and declaring an emergency."

The bill was read first time and referred to Committee on State Affairs.

By Senator Hornsby.

S. B. No. 452, A bill to be entitled "An Act to relinquish, quit-claims, and dedicate to all incorporated cities and towns the beds, banks and abandoned beds, banks and land adjacent to rivers and streams reserved to the State for the purposes of removing therefrom menaces to public health and beautifying same for park and other purposes, and declaring an emergency."

Read first time and referred to Committee on Public Lands and Land Office.

S. J. R. No. 19.

Senator Woodward sent up the following resolution:

By Senator Woodward:

S. J. R. No. 19, A joint resolution "Proposing an amendment to Section 5 of Article 3 of the Constitution of the State of Texas fixing the terms for convening the Legislature of the State of Texas, providing that the first thirty days thereof shall be devoted to the introduction of bills and resolutions, acting upon emergency appropriations, passing upon confirmation of recess appointees of the Governor and such emergency matters as may be submitted by the Governor in special messages to the Legislature; providing that during the succeeding thirty days of the Regular Session, committees of each House shall hold hearings to consider bills and resolutions and other matters then pending and providing that during the following sixty days of the Regular Session, the Legislature shall act upon such bills and resolutions as may be then pending and upon such emergency matters as may be submitted by the Governor in special messages to the Legislature; and amending Section 24 of Article 3 of the Constitution of the State of Texas, increasing the per diem of members of the Legislature to \$10.00 per day for the first 120 days of each session and thereafter not exceeding \$5.00 per day; and providing for the mileage in going to and returning from the seat of government, to not exceed \$2.50 for every twenty-five miles, the distance to be computed by the nearest and most direct route of travel from a table of distance prepared by the Comptroller and providing that no

member shall be entitled to mileage for any extra session called within one day after the adjournment of a regular or called session; providing for an election upon such proposed constitutional amendment and making an appropriation therefor."

Read first time and referred to Committee on Constitutional Amendments.

Simple Resolution No. 60.

Senator Williamson sent up the following resolution:

Whereas, Our two calendar clerks, Mrs. Grace Jennings and Miss Juanita Wills, are having to work at least ten hours per day; and

Whereas, They are rendering a very efficient service to the Senate calendar regardless of the extra long hours required to perform this service; and

Whereas, All other major clerks of the Senate are receiving \$10.00 per day, and said calendar clerks are being paid only \$5.00 per day; therefore, be it

Resolved by the Senate, That the salary of the calendar clerks be raised, and that Mrs. Grace Jennings and Miss Juanita Wills be hereafter paid \$10.00 per day.

Williamson, Cunningham, Thomson, Martin, Stevenson, Woodul, Small, Holbrook, Russek, Wirtz, Patton, Beck, Hyer, Berkeley, Love, McFarlane, Parr, Moore, Gainer.

The resolution was read and adopted.

Senate Concurrent Resolution No. 21.

Senator Woodward sent up the following resolution:

By Senators Woodward and Witt.
S. C. R. No. 21.

Whereas, The Farm Champions of the South, traveling under the direction of the Educational Bureau of the Chilean Nitrate of Soda Company, are in Austin; and

Whereas, Among this group are prize winners in many fields of agriculture from many of the southern states; and

Whereas, These distinguished citizens were by Resolution by Senator Margie Neal invited by the Legislature of Texas to be its guests for introduction; and

Whereas, Governor Dan Moody has accepted invitation to welcome these guests to Texas; therefore, be it

Resolved, That the Senate and the House meet in joint session at eleven o'clock a.m. on this 6th day of Feb. 1929 for the purpose of having such welcoming exercises as have been provided for said guests.

That a Committee of six members of the Senate and six from the House be appointed to meet with the Farm Champions and escort them to the House.

The resolution was read and adopted.

Committee Appointed.

In accordance with S. C. R. No. 21, the Chair appointed the following Committee on the part of the Senate; Senators Cunningham, Woodward, Parrish, Russek, Beck, and Thomason.

Bill Signed.

The Chair, Lieutenant Governor, Barry Miller, gave notice of signing, and did sign, in the presence of the Senate, after its caption had been read, the following bill:

H. B. No. 354.

Senate Bill No. 342 Recommended.

Senator Cousins moved to recommit S. B. No. 342 to the Committee on Penitentiaries for further consideration.

Senator Holbrook moved to table the motion to recommit. The motion to table was lost.

The motion to recommit prevailed by the following vote:

Yeas—15

Berkeley.	McFarlane.
Cousins.	Patton.
Cunningham.	Pollard.
DeBerry.	Russek.
Gainer.	Small.
Hornsby.	Williamson.
Hyer.	Wirtz.
Martin.	

Nays— 8

Love.	Stevenson.
Moore.	Thomason.
Parr.	Westbrook.
Parrish.	Woodul.

Absent.

Beck.	Witt.
Holbrook.	Woodward.
Miller.	

Absent—Excused.

Greer.
Hardin.

Neal.

Message from the House.

The Chair recognized the Door-keeper, who introduced a messenger from the House with the following message:

Hall of the House of Representatives,
Austin, Texas, Feb. 6, 1929.

Hon. Barry Miller, President of the Senate,

Sir: I am directed by the House to inform the Senate that the following have been appointed on the part of the House to serve with the committee with reference to the Oklahoma Boundary Dispute:

Storey, Young, White, Warwick, Land.

Respectfully submitted,
LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Senate Bill No. 409 Recommended.

Senator Williamson moved to recommit S. B. No. 409 to the Committee on State Highways and Motor Traffic for further consideration.

The motion prevailed.

Senate Bill No. 192 Ordered Printed.

On motion of Senator Moore, S. B. No. 192 was ordered printed on minority report.

Senate Bill No. 399 Recommended.

On motion of Senator Beck, S. B. No. 399 was recommitted to the Committee on State Highways and Motor Traffic.

Messages from the House.

The Chair recognized the Door-keeper, who introduced a messenger from the House with the following messages:

Hall of the House of Representatives,
Austin, Texas, Feb. 6, 1929.

Hon. Barry Miller, President of the Senate,

Sir: I am directed by the House to inform the Senate that the House has passed the following resolution:

S. C. R. No. 21, Providing for a joint session between the Senate and the House at 11:00 a.m. Wednesday, Feb. 6, 1929, to welcome the Farm Champions of the South.

The following are appointed on the part of the House as members of the Committee to welcome the guests. Westbrook, Bateman, Albritton, Kenedy, Baker, Heaton, Turner, Savage.

Respectfully submitted,
LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, Feb. 6, 1929.
Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

H. B. No. 153, A bill to be entitled "An Act authorizing the creation of corporations for the purpose of compiling and of acquiring and owning abstract plants in this or any other State, and to compile and sell abstracts of titles therefrom and to insure the title to lands and interest therein and liens thereon, and authorizing such corporations to accumulate and lend money, to deal in securities, and to act as trustee, receiver, executor, administrator and guardian."

Respectfully submitted,
LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Joint Session.

At 11:00 o'clock a.m., the Chair announced that the hour for the joint session had arrived. The Senate retired to the Hall of the House of Representatives.

The following Senators answered roll call in the House:

Beck.	Parrish.
Berkeley.	Patton.
Cousins.	Pollard.
Cunningham.	Russek.
DeBerry.	Small.
Gainer.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
Miller.	Woodul.
Moore.	Woodward.
Parr.	

Absent—Excused.

Greer.	Neal.
Hardin.	McFarlane.

After Joint Session.

The Senate returned to the Senate Chamber at 11:30 o'clock a.m. and was called to order by Lieutenant Governor Barry Miller.

House Bill No. 174.

The Chair laid before the Senate, on second reading, the following bill:
By Mr. Hornaday:

H. B. No. 174, A bill to be entitled "An Act validating the creation and organization of San Benito Cameron County Drainage District Number Three, in Cameron County, Texas, as originally created and organized under Article 3, Section 52, of the Constitution of the State of Texas, and validating the bonds heretofore issued by said district and the contracts made and indebtedness incurred by it; defining its boundaries; providing that said district shall be and is converted and created a conservation and reclamation district under Section 59 of Article 16 of the Constitution of the State of Texas and the General Laws not inconsistent therewith."

The committee report was adopted.

The bill was read second time and passed to third reading.

On motion of Senator Parr, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 174 was put on its third reading and final passage, by the following vote:

Yeas—23.

Beck.	Miller.
Berkeley.	Moore.
Cousins.	Parr.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Pollard.
Holbrook.	Russek.
Hornsby.	Small.
Hyer.	Stevenson.
Love.	Williamson.
Martin.	Woodul.
McFarlane.	

Absent.

Thomason.	Witt.
Westbrook.	Woodward.
Wirtz.	

Absent—Excused.

Greer.	Neal.
Hardin.	

The bill was read third time and finally passed by the following vote:

Yeas—28.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Pollard.
DeBerry.	Russek.
Gainer.	Small.
Holbrook.	Stevenson.
Hornsby.	Thomason.
Hyer.	Westbrook.
Love.	Williamson.
Martin.	Wirtz.
McFarlane.	Witt.
Miller.	Woodul.
Moore.	Woodward.

Absent—Excused.

Greer.	Neal.
Hardin.	

House Bill Referred.

H. B. No. 153, referred to Committee on Insurance.

Senate Bill No. 3.

Senator Pollard moved that S. B. No. 3 be set as special order after the morning call Thursday. The motion prevailed.

House Bill No. 175.

The Chair laid before the Senate, on second reading, the following bill:

By Mr. Hornaday:

H. B. No. 175, A bill to be entitled "An Act to create Cameron County Drainage District Number Four, in Cameron County, Texas, validating and approving all orders made by the commissioners' court of said county in respect to the original organization of said district as a drainage district under Article 3, Section 52, of the Constitution; validating and approving all orders made by the commissioners' court of said county in converting said district without change of name or impairment of obligations to a conservation and reclamation district under Section 59 of Article 16 of the Constitution of the State of Texas."

The committee report was adopted.

The bill was read second time and passed to third reading.

On motion of Senator Parr, the constitutional rule requiring bills to be read on three several days was

suspended and H. B. No. 175 was put on its third reading and final passage, by the following vote:

Yeas—28.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Pollard.
DeBerry.	Russek.
Gainer.	Small.
Holbrook.	Stevenson.
Hornsby.	Thomason.
Hyer.	Westbrook.
Love.	Williamson.
Martin.	Wirtz.
McFarlane.	Witt.
Miller.	Woodul.
Moore.	Woodward.

Absent—Excused.

Greer.	Neal.
Hardin.	

The bill was read third time and finally passed by the following vote:

Yeas—28.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Pollard.
DeBerry.	Russek.
Gainer.	Small.
Holbrook.	Stevenson.
Hornsby.	Thomason.
Hyer.	Westbrook.
Love.	Williamson.
Martin.	Wirtz.
McFarlane.	Witt.
Miller.	Woodul.
Moore.	Woodward.

Absent—Excused.

Greer.	Neal.
Hardin.	

House Bill No. 274.

The Chair laid before the Senate, on second reading, the following bill:

H. B. No. 274, A bill to be entitled "An Act to amend Article 955 Revised Criminal Statutes, 1925, by exempting Hunt and Rains Counties from the provisions thereof, and declaring an emergency."

The committee report was adopted.

The bill was read second time and passed to third reading.

On motion of Senator Moore, the constitutional rule requiring bills to be read on three several days was

suspended and H. B. No. 274 was put on its third reading and final passage, by the following vote:

Yeas—28.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Pollard.
DeBerry.	Russek.
Gainer.	Small.
Holbrook.	Stevenson.
Hornsby.	Thomason.
Hyer.	Westbrook.
Love.	Williamson.
Martin.	Wirtz.
McFarlane.	Witt.
Miller.	Woodul.
Moore.	Woodward.

Absent—Excused.

Greer.	Neal.
Hardin.	

The bill was read third time and finally passed by the following vote:

Yeas—28.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Pollard.
DeBerry.	Russek.
Gainer.	Small.
Holbrook.	Stevenson.
Hornsby.	Thomason.
Hyer.	Westbrook.
Love.	Williamson.
Martin.	Wirtz.
McFarlane.	Witt.
Miller.	Woodul.
Moore.	Woodward.

Absent—Excused.

Greer.	Neal.
Hardin.	

House Bill No. 61.

The Chair laid before the Senate, on second reading, the following bill:

By Mr. McCombs:

H. B. No. 61, A bill to be entitled "An Act creating the Dallas County Fresh Water Supply District No. 9."

On motion of Senator Love, the bill was laid on the table subject to call.

House Bill No. 62.

The Chair laid before the Senate, on second reading, the following bill:

By Mr. McCombs:

H. B. No. 62, A bill to be entitled "An Act creating Dallas County Beverly Hills Fresh Water Supply District No. 2."

On motion of Senator Love, the bill was laid on the table subject to call.

House Bill No. 162.

The Chair laid before the Senate, on second reading, the following bill:

By Mr. Webb, Mr. Metcalfe and Mr. Rountree.

H. B. No. 162, A bill to be entitled "An Act to amend Articles 74 and 75 of Chapter 3, Title 4, of the Revised Civil Statutes of 1925, so as to qualify the kind of pink bollworms that may be declared to be a menace; providing the conditions under which the pink bollworms may be found; providing compensation for all losses incurred or expenses sustained by all persons, firms or corporations required to comply with the provisions of Chapter 3 of Title 4 of the Revised Civil Statutes of 1925."

The bill was read second time.

On motion of Senator Parrish, the bill was laid on the table subject to call.

House Bill No. 87.

The Chair laid before the Senate, on second reading, the following bill:

By Mr. McGill:

H. B. No. 87, A bill to be entitled "An Act to amend Article 7117 of Chapter 5 of Title 122, of the Revised Civil Statutes of Texas, 1925 codification, so as to exempt from inheritance tax intangible personal property of a non-resident who was, at the time of his death, a resident, of a State or Territory of the United States or of a foreign country which did not impose a transfer or inheritance tax of any character in respect of intangible personal property of residents of this State."

The bill was read second time.

On motion of Senator Martin, the bill was laid on the table subject to call.

House Bill No. 12.

The Chair laid before the Senate, on second reading, the following bill:

By Mr. Hopkins:

H. B. No. 12, A bill to be entitled "An Act to amend Article 7125 of the

Revised Civil Statutes of 1925 so as to exempt estates upon which inheritance taxes have been levied within five years from date of second passage of said estates, and declaring an emergency."

The committee report was adopted.

The bill was read second time and passed to third reading.

On motion of Senator Wirtz, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 12 was put on its third reading and final passage, by the following vote:

Yeas—28.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Pollard.
DeBerry.	Russek.
Gainer.	Small.
Holbrook.	Stevenson.
Hornsby.	Thomason.
Hyer.	Westbrook.
Love.	Williamson.
Martin.	Wirtz.
McFarlane.	Witt.
Miller.	Woodul.
Moore.	Woodward.

Absent—Excused.

Greer.	Neal.
Hardin.	

The bill was read third time and finally passed by the following vote:

Yeas—28.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Pollard.
DeBerry.	Russek.
Gainer.	Small.
Holbrook.	Stevenson.
Hornsby.	Thomason.
Hyer.	Westbrook.
Love.	Williamson.
Martin.	Wirtz.
McFarlane.	Witt.
Miller.	Woodul.
Moore.	Woodward.

Absent—Excused.

Greer.	Neal.
Hardin.	

Recess.

On motion of Senator Woodward, the Senate, at 12:00 o'clock noon, recessed until 2:00 o'clock p. m.

After Recess.

The Senate was called to order at 2:00 o'clock p. m., pursuant to recess, by Lieutenant Governor Barry Miller.

Senate Bill No. 170.

Senator Berkeley called up from the table the following bill:

S. B. No. 170, A bill to be entitled "An Act to amend Articles 2741, Revised Statutes, 1925, relating to the duties of county school trustees with reference to the boundaries of school districts within their counties."

The amendment by Senator Love was adopted.

Senator Berkeley sent up the following amendment:

Amend S. B. No. 170 by striking out from Section 1, Lines 31-32, Page 1, and Lines 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, and 13, Page 2.

BERKELEY.

The amendment was read and adopted.

The bill as amended passed to engrossment.

Senate Bill No. 109.

The Chair laid before the Senate, on third reading, the following bill:

S. B. No. 109, A bill to be entitled "An Act relating to the licensing of motor vehicle operators and chauffeurs and to the liability of certain persons for negligence in the operation of motor vehicles on the public highways, providing for issuance of licenses, revocation thereof, forbidding driving by persons without licenses, providing penalties, providing for fees to be paid, and declaring an emergency."

The bill was read third time and finally passed by the following vote:

Yeas—25.

Berkeley.	Patton.
Cunningham.	Pollard.
Gainer.	Russek.
Holbrook.	Small.
Hornsby.	Stevenson.
Hyer.	Thomason.
Love.	Westbrook.
Martin.	Williamson.
McFarlane.	Wirtz.
Miller.	Witt.
Moore.	Woodul.
Parr.	Woodward.
Parrish.	

Nays—1.

DeBerry.

Absent.

Beck.

Cousins.

Absent—Excused.

Greer.

Neal.

Hardin.

Senate Bill No. 195.

The Chair laid before the Senate, on third reading, the following bill:

S. B. No. 195, A bill to be entitled "An Act amending Article 2104 of the Revised Civil Statutes of the State of Texas, as recodified and adopted at the Regular Session of the Thirty-ninth Legislature, 1925, relating to the appointment of Jury Commissioners to select petit jurors; providing for their compensation; prescribing their qualifications; and providing that the number appointed shall not be less than three and not more than five, in the discretion of the district judge, and declaring an emergency."

The bill was read third time and finally passed.

Senate Bill No. 196.

The Chair laid before the Senate, on third reading, the following bill:

By Senator Cunningham:

S. B. No. 196, A bill to be entitled "An Act amending Article 333 of the Code of Criminal Procedure of the State of Texas, as recodified and adopted at the Regular Session of the Thirty-ninth Legislature, 1925, relating to the appointment of jury commissioners to select grand jurors, providing for their compensation and prescribing their qualifications; and providing that the number appointed shall not be less than three and not more than five, in the discretion of the district judge, and declaring an emergency."

The bill was read third time and finally passed.

Senate Bill No. 252.

The Chair laid before the Senate, on second reading, the following bill:

S. B. No. 252, A bill to be entitled "An Act creating an advisory judicial council for the continuous study, investigation and report upon the

civil judicial system of the State, its administration, procedure and functioning; gathering of civil judicial statistics; devising of methods for the improvement of civil judicial administration and procedure; prescribing the personnel of such council; prescribing its powers and duties; providing for the payment of the actual expenses of the council and its members, including clerical assistance."

The bill was read second time and passed to engrossment.

Senate Bill No. 147.

Senator Martin called up from the table the following bill:

S. B. No. 147, A bill to be entitled "An Act relating to bills of exception in district and county courts; enacting Article 2237a of Chapter 11, Title 42 of the Revised Civil Statutes of 1925, relating to practice in the district and county courts; requiring district and county judges to state the qualification of any bill of exception presented by either party to a suit and place such qualification in the record upon the trial of the case at the time the exception is reserved; enacting provisions designed to require prompt action on the part of the district or county judge in acting on bills of exception presented to him and outlining the procedure in case such judge does not comply with the Statute; providing that this Act shall apply to civil and criminal cases; repealing all laws or parts of laws conflicting herewith, and declaring an emergency."

The Committee amendment was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Martin the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 147 was put on its third reading and final passage, by the following vote:

Yeas—27.

Beck.	Hyer.
Berkeley.	Love.
Cousins.	Martin.
Cunningham.	McFarlane.
DeBerry.	Miller.
Gainer.	Moore.
Holbrook.	Parr.
Hornsby.	Parrish.

Patton.	Williamson.
Pollard.	Wirtz.
Russek.	Witt.
Stevenson.	Woodul.
Thomason.	Woodward.
Westbrook.	

Nays—1.

Small.

Absent—Excused.

Greer.	Neal.
Hardin.	

The bill was read third time and finally passed.

Senate Bill No. 80.

The Chair laid before the Senate on its second reading the following bill:

S. B. No. 80, A bill to be entitled "An Act to amend Article 2095, Chapter 7, Title 42, of the Revised Civil Statutes of the State of Texas of 1925, so such article shall provide for the compiling of jury cards for the jury wheel in counties of over one hundred fifty thousand population, placing such compiling under the supervision of the district clerk and providing funds for employment of typists for compiling, and other expenses necessary."

The bill was read second time and passed to engrossment.

Senate Bill No. 312.

On motion of Senator Woodward, S. B. No. 312 was laid on the table subject to call.

S. J. R. No. 13.

On motion of Senator Woodward, S. J. R. No. 13 was laid on the table subject to call.

Senate Bill No. 251.

The Chair laid before the Senate on its second reading the following bill:

S. B. No. 251, A bill to be entitled "An Act to authorize the Board of Directors of the Agricultural and Mechanical College of Texas to establish and maintain a horticultural and agricultural experiment station at some point within the limits of Atascosa, Bexar, Dimmit, Frio, La Salle, Maverick, Medina, Uvalde, Webb, or Zavala Counties, in the State of Texas for the purpose of

making scientific investigation and experiment in the production of fruits, citrus fruits, nuts and vegetables and methods of combating insect pests and diseases of said product in the said section and conducting scientific experiments in poultry raising and dairying, authorizing said Board of Directors to acquire a suitable site therefor, and to accept donations of land and money for said purpose, providing that such experiment station shall be under the general supervision of said Board of Directors and providing that unless donations of land within said territory with available water for irrigation purposes thereon suitable and sufficient for said experiment station shall not be established, and declaring an emergency."

The Committee report was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Parr the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 251 was put on its third reading and final passage, by the following vote:

Yeas—27.

Beck.	Parrish.
Berkeley.	Patton.
Cousins.	Pollard.
Cunningham.	Russek.
DeBerry.	Small.
Gainer.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
Miller.	Woodul.
Moore.	Woodward.
Parr.	

Absent.

McFarlane.

Absent—Excused.

Greer.	Neal.
Hardin.	

Read third time and finally passed by the following vote:

Yeas—26.

Beck.	Cunningham.
Berkeley.	Gainer.
Cousins.	Holbrook.

Hornsby.	Russek.
Hyer.	Small.
Love.	Stevenson.
Martin.	Thomason.
Miller.	Westbrook.
Moore.	Williamson.
Parr.	Wirtz.
Parrish.	Witt.
Patton.	Woodul.
Pollard.	Wood.

Nays—1.

DeBerry.

Absent.

McFarlane.

Absent—Excused.

Greer.

Neal.

Hardin.

Senate Bill No. 305.

The Chair laid before the Senate on its second reading the following bill:

S. B. No. 305 A bill to be entitled "An Act amending Article 6286, Chapter 2, Title 112, Revised Civil Statutes of the State of Texas, 1925, so as to change the provision of said article relating to the subject of change of general offices, machine shops, roundhouses so as to include terminals."

The bill was read second time.

Senator Hyer sent up the following amendment:

Amend the Caption to S. B. No. 305 by adding the words "and declaring an emergency."

Amend the body of the bill by adding at the end of Article 6286 (6435) (4376) in Section 1 the following:

"The fact that the word "terminal" was omitted in the compilation by the codifiers and existed in the original law as passed by the Legislature and there exists a need for providing that terminals along with general offices, machine shops and round houses shall be included in this law creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three separate days be and the same is hereby suspended and this Act shall take effect and be in force from and after its passage and it is so enacted."

HYER.

The amendment was read and adopted.

The bill as amended passed to engrossment.

On motion of Senator Hyer the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 305 was put on its third reading and final passage, by the following vote:

Yeas—28.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Pollard.
DeBerry.	Russek.
Gainer.	Small.
Holbrook.	Stevenson.
Hornsby.	Thomason.
Hyer.	Westbrook.
Love.	Williamson.
Martin.	Wirtz.
McFarlane.	Witt.
Miller.	Woodul.
Moore.	Woodward.

Absent—Excused.

Greer.
Hardin.

Neal.

The bill was read third time and finally passed by the following vote:

Yeas—28.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Pollard.
DeBerry.	Russek.
Gainer.	Small.
Holbrook.	Stevenson.
Hornsby.	Thomason.
Hyer.	Westbrook.
Love.	Williamson.
Martin.	Wirtz.
McFarlane.	Witt.
Miller.	Woodul.
Moore.	Woodward.

Absent—Excused.

Greer.
Hardin.

Neal.

Senate Bill No. 99.

The Chair laid before the Senate on second reading the following bill:

S. B. No. 99, A bill to be entitled "An Act relating to courses of instruction in Constitution of United States in schools, colleges, universities, and other educational institutions of the State of Texas."

The bill was read second time.

Senator Wirtz sent up the following amendment:

Amend S. B. No. 99 by striking out of lines 15 and 16 page 1, the words "patriotism and the duties of a citizen."

Senator Hyer moved to table the amendment. The motion was lost by the following vote:

Yeas—11.

Berkeley.	Parr.
Hornsby.	Pollard.
Hyer.	Small.
Love.	Westbrook.
McFarlane.	Woodward.
Moore.	

Nays—13.

Cousins.	Patton.
Cunningham.	Russek.
DeBerry.	Stevenson.
Gainer.	Thomason.
Holbrook.	Wirtz.
Martin.	Witt.
Miller.	

Absent.

Beck.	Williamson.
Parrish.	Woodul.

Absent—Excused.

Greer.	Neal.
Hardin.	

The amendment was adopted by the following vote:

Yeas—15.

Cousins.	Pollard.
Cunningham.	Russek.
DeBerry.	Stevenson.
Gainer.	Thomason.
Holbrook.	Wirtz.
Martin.	Witt.
Miller.	Woodward.
Patton.	

Nays—9.

Berkeley.	Moore.
Hornsby.	Parr.
Hyer.	Small.
Love.	Westbrook.
McFarlane.	

Absent.

Beck.	Williamson.
Parrish.	Woodul.

Absent—Excused.

Greer.	Neal.
Hardin.	

The bill as amended passed to engrossment.

Senate Bill No. 111.

The Chair laid before the Senate on second reading the following bill:

S. B. No. 111, A bill to be entitled "An Act providing that liens for street improvements created by written contract of the owner or owners of land, or any interest therein, shall be superior liens upon such improvements and providing for the enforcement thereof, providing incidental matter, and declaring an emergency."

The Chair sustained the point of order that a bill on the same subject had been defeated in the House.

Senate Bill No. 132.

The Chair laid before the Senate on second reading the following bill:

S. B. No. 132. A bill to be entitled "An Act to prevent fraud in the purchase of gasoline and oil and to assure correct measurement and declaring the retail sale of gasoline and oil to be affected with a public interest; providing for the licensing of operators of pumps or devices for the measurement of gasoline and oil and providing for the issue of such licenses; prescribing a fee to be paid of such licenses and specifying the distribution of said fees; providing the term and form of such licenses and the liability of those to whom such licenses are issued; making it unlawful for any person to engage in the measuring or dispensing of gasoline or oil to the public without first securing such license; prescribing when Act shall become effective; providing for the cancellation of license for violation of the provisions of this Act; defining offenses; prescribing penalties; and declaring an emergency."

The bill was read second time.

Senator McFarlane sent up the following amendment:

Amend page 3, lines 15 and 16, by striking out "Special Weights and Measures Fund," and insert in lieu thereof the words "General Fund."

McFARLANE.

The amendment was read.

Senator Pollard sent up the following substitute for the amendment:

Amend S. B. No. 132 by striking out sections 2, 3, 4, 5, 6, 7, 8, 9 and 10 and number the other sections accordingly.

POLLARD.
THOMASON.
COUSINS.
WIRTZ.
RUSSEK.

Senator Hornsby moved to table the amendment. The motion was lost by the following vote:

Yeas—9.

DeBerry.	Small.
Hornsby.	Westbrook.
Hyer.	Williamson.
McFarlane.	Witt.
Patton.	

Nays—12.

Berkeley.	Miller.
Cousins.	Parr.
Cunningham.	Pollard.
Gainer.	Stevenson.
Holbrook.	Thomason.
Martin.	Wirtz.

Present—Not Voting.

Love.	Woodward.
-------	-----------

Absent.

Beck.	Russek.
Moore.	Woodul.
Parrish.	

Absent—Excused.

Greer.	Neal.
Hardin.	

The substitute amendment was lost by the following vote:

Yeas—11.

Berkeley.	Pollard.
Cousins.	Russek.
Cunningham.	Stevenson.
Gainer.	Thomason.
Martin.	Wirtz.
Miller.	

Nays—14.

DeBerry.	Parr.
Holbrook.	Patton.
Hornsby.	Small.
Hyer.	Westbrook.
Love.	Williamson.
McFarlane.	Witt.
Moore.	Woodward.

Absent.

Beck.	Woodul.
Parrish.	

Absent—Excused.

Greer.	Neal.
Hardin.	

On motion of Senator Parr the bill was laid on the table subject to call.

Messages from the House.

The Chair recognized the Door-keeper, who introduced a messenger from the House with the following messages:

Hall of the House of Representatives,
Austin, Texas, Feb. 6, 1929.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

H. B. No. 109, A bill to be entitled "An Act to require all persons who teach in the public schools to be American citizens."

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, Feb. 6, 1929.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolution:

H. C. R. No. 16, Recalling Senate Concurrent Resolution No. 14 from the Senate for further consideration by the House.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Senate Bill No. 256.

Senator Witt called up from the table the following bill:

S. B. No. 256, A bill to be entitled "An Act fixing compensation for county tax assessors in counties containing a city with a population of not less than 35,000 and not more than 125,000, according to the last United States census, where the county assessor of taxes compiles and makes a transfer book or card index compiled from the real estate transfers recorded in the county

clerk's office showing the names transferred to, last owner assessed to, volume and page, description of property, assessed valuation and the consideration in the transfer; keeps a building permit record or card index of all building permits issued showing name of owner, date of permit, description of property on which building is located, description of the improvement, the permit valuation and the final valuation of the building inspector; keeps a record of the builders' liens recorded in the county clerk's office; and also keeps a card index file of all automobiles, busses, and trucks, licensed and owned on January 1st of each year, showing owner of auto, owner's address, State Highway license number, make and year model of auto, all of said information for the facilitation of the work in said assessor's office and for the more correctly assessing such classes of property and for the purpose of keeping a close check on same; the commissioner's court shall allow said assessor who compiles and uses such records extra compensation, not exceeding twelve hundred dollars annually, beginning with the fiscal year 1929, to be paid in twelve monthly payments, same to be retained by said assessor as ex-officio salary exclusive of the maximum salary allowed by law; and declaring an emergency."

The bill was read second time.

Senator Witt sent up the following amendments:

Amend S. B. No. 256 by striking from the caption and the bill the words and figures "35,000 and not more than 125,000" and insert in lieu thereof the words and figures "35,000 and not more than 42,250."

The amendment was read and adopted.

Amend the bill by striking the word "last" from Line 5, Page 2, and insert the figures "1920."

WITT.

The amendment was read and adopted.

On motion of Senator Witt, the bill was laid on the table subject to call.

H. C. R. No. 16.

The Chair laid before the Senate, the following resolution:

H. C. R. No. 16, recalling S. C.

R. No. 14, for further consideration by the House.

The resolution was read and adopted.

House Bill Referred.

H. B. No. 109, referred to Committee on Educational Affairs.

Senate Bill No. 237.

Senator Holbrook received unanimous consent to take up out of its regular order the following bill:

S. B. No. 237, A bill to be entitled "An Act to amend Article 4613, Article 4614, Article 4618, Article 4619, Article 4620, Article 4118, and Article 5535, of the Revised Civil Statutes of 1925, declaring and defining the legal rights of married women; defining the separate property of married persons; regulating the management, control, disposition, and liability of such separate property; defining the common property of husband and wife; regulating the control, management, disposition, and liability of such common property; regulating the rights of parents as guardians for their minor children; making married women subject to all laws of limitation; regulating the conveyance of the homestead of the family; repealing Articles 4615, 4616, 4617, 4623, 4624, 4626, 6605, 6608, 1299, 1300, 6164, 1983, 1984, and 1985 of the Revised Civil Statutes of 1925, and all other laws and parts of law in conflict herewith; and declaring an emergency."

The committee substitute was adopted.

Senator Pollard moved to lay the bill on the table subject to call. The motion was lost.

The bill as substituted passed to engrossment.

Senate Bill No. 298.

Senator Love received unanimous consent to take up out of its regular order the following bill:

S. B. No. 298, A bill to be entitled "An Act providing that whenever any person shall procure the issuance of a policy of insurance on his life in any legal reserve life insurance company, and designate in writing the beneficiary to receive the proceeds thereof, the company shall pay any proceeds thereof becoming due on the death of the insured to the

person so designated in the absence of a notice in writing of an adverse claim received at the home office of the company, and that any such payments so made in the absence of any such notice received prior to the time of payment shall discharge the company from all liability on the policy; providing that the provisions of this Act shall apply to policies now in existence, as well as to all policies hereafter written, and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Love, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 298 was put on its third reading and final passage, by the following vote:

Yeas—26.

Cunningham.	Parr.
DeBerry.	Patton.
Gainer.	Pollard.
Greer.	Russek.
Hardin.	Small.
Holbrook.	Stevenson.
Hornsby.	Thomason.
Hyer.	Westbrook.
Love.	Williamson.
Martin.	Wirtz.
McFarlane.	Witt.
Miller.	Woodul.
Moore.	Woodward.

Absent.

Beck. Parrish.

Absent—Excused.

Berkeley. Neal.
Cousins.

The bill was read third time and finally passed by the following vote:

Yeas—25.

Berkeley.	Parr.
Cousins.	Patton.
Cunningham.	Pollard.
DeBerry.	Russek.
Gainer.	Small.
Holbrook.	Stevenson.
Hornsby.	Thomason.
Hyer.	Westbrook.
Love.	Williamson.
Martin.	Wirtz.
McFarlane.	Witt.
Miller.	Woodul.
Moore.	

Absent.

Beck. Woodward.
Parrish.

Absent—Excused.

Greer. Neal.
Hardin.

Senate Bill No. 199.

The Chair laid before the Senate, on second reading, the following bill:

S. B. No. 199, A bill to be entitled "An Act fixing the salary of official shorthand court reporters in judicial districts in counties having two or more full time district courts in addition to transcript fees which such reporters receive under the law, and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Witt, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 199 was put on its third reading and final passage, by the following vote:

Yeas—25.

Berkeley.	Parr.
Cousins.	Patton.
Cunningham.	Pollard.
DeBerry.	Russek.
Gainer.	Small.
Holbrook.	Stevenson.
Hornsby.	Thomason.
Hyer.	Westbrook.
Love.	Williamson.
Martin.	Wirtz.
McFarlane.	Witt.
Miller.	Woodul.
Moore.	

Absent.

Beck. Woodward.
Parrish.

Absent—Excused.

Greer. Neal.
Hardin.

The bill was read third time and finally passed by the following vote:

Yeas—25.

Berkeley.	Hornsby.
Cousins.	Hyer.
Cunningham.	Love.
DeBerry.	Martin.
Gainer.	McFarlane.
Holbrook.	Miller.

Moore.
Parr.
Patton.
Pollard.
Russek.
Small.
Stevenson.

Thomason.
Westbrook.
Williamson.
Wirtz.
Witt.
Woodward.

Absent.

Beck.
Parrish.

Absent—Excused.

Greer.
Hardin.

Senate Bill No. 233.

The Chair laid before the Senate, on second reading, the following bill:

S. B. No. 233, A bill to be entitled "An Act to prohibit Domestic Insurance carriers from doing business in any other State or territory of the United States or the Dominion of Canada without being legally admitted to do so under the laws of such State, territory or Dominion, and providing for the revocation of the license of any such carrier and the payment of a tax by such carrier to such State, territory or Dominion."

The bill was read second time and passed to engrossment.

Senate Bill No. 288.

The Chair laid before the Senate on second reading the following bill:

S. B. No. 288, A bill to be entitled "An Act to amend Article 17 of the Revised Civil Statutes for 1925, so as to provide that district judges and district attorneys shall enter upon and assume the duties of their respective offices on the first day of January following the last general election or as soon as possible thereafter, and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Hornsby the Constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 288 was put on its third reading and final passage, by the following vote:

Yeas—25.

Berkeley.	Holbrook.
Cousins.	Hornsby.
Cunningham.	Hyer.
DeBerry.	Love.
Gainer.	Martin.

McFarlane.	Stevenson.
Miller.	Thomason.
Moore.	Westbrook.
Parr.	Williamson.
Patton.	Wirtz.
Pollard.	Witt.
Russek.	Woodward.
Small.	

Absent.

Beck.
Parrish.

Absent—Excused.

Greer.
Hardin.

The bill was read third time and finally passed by the following vote:

Yeas—25.

Berkeley.	Parr.
Cousins.	Patton.
Cunningham.	Pollard.
DeBerry.	Russek.
Gainer.	Small.
Holbrook.	Stevenson.
Hornsby.	Williamson.
Hyer.	Westbrook.
Love.	Williamson.
Martin.	Wirtz.
McFarlane.	Witt.
Miller.	Woodward.
Moore.	

Absent.

Beck.
Parrish.

Absent—Excused.

Greer.
Hardin.

Motion to Reconsider.

Senator Pollard moved to reconsider the vote by which the Senate engrossed S. B. No. 237. The motion prevailed.

On motion of Senator Holbrook, the bill was laid on the table subject to call.

Senate Bill No. 289.

The Chair laid before the Senate on second reading the following bill:

S. B. No. 289, A bill to be entitled "An Act to provide that the number of days for which compensation is allowed a district attorney shall be based upon the calendar year and not the fiscal year of the State, and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Hornsby the Constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 289 was put on its third reading and final passage, by the following vote:

Yeas—25.

Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Pollard.
DeBerry.	Russek.
Gainer.	Small.
Holbrook.	Stevenson.
Hornsby.	Thomason.
Hyer.	Westbrook.
Love.	Williamson.
Martin.	Wirtz.
McFarlane.	Witt.
Miller.	Woodward.
Moore.	

Absent.

Beck.	Woodul.
Patton.	

Absent—Excused.

Greer.	Neal.
Hardin.	

The bill was read third time and finally passed by the following vote:

Yeas—25.

Berkeley.	Parr.
Cousins.	Patton.
Cunningham.	Pollard.
DeBerry.	Russek.
Gainer.	Small.
Holbrook.	Stevenson.
Hornsby.	Thomason.
Hyer.	Westbrook.
Love.	Williamson.
Martin.	Wirtz.
McFarlane.	Witt.
Miller.	Woodward.
Moore.	

Absent.

Beck.	Woodul.
Parrish.	

Absent—Excused.

Greer.	Neal.
Hardin.	

Senate Bill No. 449.

Senator McFarlane received unanimous consent to take up out of its regular order the following bill:

S. B. No. 449, A bill to be entitled "An Act to amend subdivision 78 of Article 199, of the Revised Civil Statutes of the State of Texas, of 1925, Section 1, Chapter 99, of the Acts of the Regular Session of the 38th Legislature, amending Section 1, Chapter 6 of the Acts of the Regular Session of the 34th Legislature, so as to more definitely define the territorial jurisdiction of the 78th Judicial District of Texas, etc., and declaring an emergency."

The rule requiring Committee reports to lie over one day was suspended by unanimous consent.

The committee report was adopted.

On motion of Senator McFarlane the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 449 was put on its second reading by the following vote:

Yeas—25.

Berkeley.	Parr.
Cousins.	Patton.
Cunningham.	Pollard.
DeBerry.	Russek.
Gainer.	Small.
Holbrook.	Stevenson.
Hornsby.	Thomason.
Hyer.	Westbrook.
Love.	Williamson.
Martin.	Wirtz.
McFarlane.	Witt.
Miller.	Woodward.
Moore.	

Absent.

Beck.	Woodul.
Parrish.	

Absent—Excused.

Greer.	Neal.
Hardin.	

The bill was read second time and passed to engrossment.

On motion of Senator McFarlane the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 449 was put on its third reading and final passage, by the following vote:

Yeas—25.

Berkeley.	Hornsby.
Cousins.	Hyer.
Cunningham.	Love.
DeBerry.	Martin.
Gainer.	McFarlane.
Holbrook.	Miller.

Moore.	Thomason.
Parr.	Westbrook.
Patton.	Williamson.
Pollard.	Wirtz.
Russek.	Witt.
Small.	Woodward.
Stevenson.	

Absent.

Beck.	Woodul.
Parrish.	

Absent—Excused.

Greer.	Neal.
Hardin.	

The bill was read third time and finally passed by the following vote:

Yeas—25.

Berkeley.	Parr.
Cousins.	Patton.
Cunningham.	Pollard.
DeBerry.	Russek.
Gainer.	Small.
Holbrook.	Stevenson.
Hornsby.	Thomason.
Hyer.	Westbrook.
Love.	Williamson.
Martin.	Wirtz.
McFarlane.	Witt.
Miller.	Woodward.
Moore.	

Absent.

Beck.	Woodul.
Parrish.	

Absent—Excused.

Greer.	Neal.
Hardin.	

Senate Bill No. 397.

Senator Cousins received unanimous consent to take up out of its regular order the following bill:

S. B. No. 397, A bill to be entitled "An Act amending Article 1970-122, Chapter 5, Title 41, Revised Statutes of Texas, 1925, by increasing the compensation of the judge of the county court of Jefferson County at law from Thirty-six Hundred (\$3,600.00) Dollars to Forty-five Hundred (\$4,500.00) Dollars per annum; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

The committee report was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Cousins the

constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 397 was put on its third reading and final passage, by the following vote:

Yeas—25.

Berkeley.	Parr.
Cousins.	Patton.
Cunningham.	Pollard.
DeBerry.	Russek.
Gainer.	Small.
Holbrook.	Stevenson.
Hornsby.	Thomason.
Hyer.	Westbrook.
Love.	Williamson.
Martin.	Wirtz.
McFarlane.	Witt.
Miller.	Woodward.
Moore.	

Absent.

Beck.	Woodul.
Parrish.	

Absent—Excused.

Greer.	Neal.
Hardin.	

The bill was read third time and finally passed by the following vote:

Yeas—25.

Berkeley.	Parr.
Cousins.	Patton.
Cunningham.	Pollard.
DeBerry.	Russek.
Gainer.	Small.
Holbrook.	Stevenson.
Hornsby.	Thomason.
Hyer.	Westbrook.
Love.	Williamson.
Martin.	Wirtz.
McFarlane.	Witt.
Miller.	Woodward.
Moore.	

Absent.

Beck.	Woodul.
Parrish.	

Absent—Excused.

Greer.	Neal.
Hardin.	

Senate Bill No. 294.

The Chair laid before the Senate on second reading the following bill:

S. B. No. 294, A bill to be entitled "An Act defining group life insurance; providing that no policy of group life insurance shall be issued

or delivered unless and until a copy of the form thereof has been filed with the Life Insurance Commissioner and formally approved by him, stipulating the provisions which must be contained in such policy; providing the manner of paying the proceeds of any such insurance; providing the method of computing the reserves on such policies; prohibiting the issuance of any contract of life insurance covering a group except as provided by the provisions of the Act, and declaring an emergency."

The Committee amendments were adopted.

The bill as amended was read second time and passed to engrossment.

On motion of Senator Wirtz the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 294 was put on its third reading and final passage, by the following vote:

Yeas—28.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Pollard.
DeBerry.	Russek.
Gainer.	Small.
Holbrook.	Stevenson.
Hornsby.	Thomason.
Hyer.	Westbrook.
Love.	Williamson.
Martin.	Wirtz.
McFarlane.	Witt.
Miller.	Woodul.
Moore.	Woodward.

Absent—Excused.

Greer.	Neal.
Hardin.	

The bill was read third time and finally passed by the following vote:

Yeas—28.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Pollard.
DeBerry.	Russek.
Gainer.	Small.
Holbrook.	Stevenson.
Hornsby.	Thomason.
Hyer.	Westbrook.
Love.	Williamson.
Martin.	Wirtz.
McFarlane.	Witt.
Miller.	Woodul.
Moore.	Woodward.

Absent—Excused.

Greer.	Neal.
Hardin.	

Simple Resolution No. 60.

Senator McFarlane sent up the following resolution:

Whereas, Rufus Scott, State Commander of the American Legion of the Department of Texas is within the bar of the Senate; now therefore be it

Resolved, That he be invited to address the Senate.

McFarlane, Hyer, Pollard, Hornsby, Beck, DeBerry, Woodul, Miller, Cunningham.

The resolution was read and adopted.

The Chair appointed Senators McFarlane, Hyer and Pollard to escort Mr. Scott to the platform.

Mr. Scott Speaks.

Senator Hyer introduced Mr. Scott, who briefly addressed the Senate.

Senate Bill No. 359.

The Chair laid before the Senate on second reading the following bill:

S. B. No. 359, A bill to be entitled "An Act amending Article 7005, Title 121, of the Revised Civil Statutes of 1925, so as to exempt Matagorda County from the provisions of Chapter 7 of Title 121 of the Revised Civil Statutes of 1925 and from all laws regulating the inspection of hides and animals; and declaring an emergency."

The Committee report was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Holbrook the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 359 was put on its third reading and final passage, by the following vote:

Yeas—28.

Beck.	Love.
Berkeley.	Martin.
Cousins.	McFarlane.
Cunningham.	Miller.
DeBerry.	Moore.
Gainer.	Parr.
Holbrook.	Parrish.
Hornsby.	Patton.
Hyer.	Pollard.

Russek.	Williamson.
Small.	Wirtz.
Stevenson.	Witt.
Thomason.	Woodul.
Westbrook.	Woodward.

Absent—Excused.

Greer.	Neal.
Hardin.	

Read third time and finally passed by the following vote:

Yeas—28.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Pollard.
DeBerry.	Russek.
Gainer.	Small.
Holbrook.	Stevenson.
Hornsby.	Thomason.
Hyer.	Westbrook.
Love.	Williamson.
Martin.	Wirtz.
McFarlane.	Witt.
Miller.	Woodul.
Moore.	Woodward.

Absent—Excused.

Greer.	Neal.
Hardin.	

Senate Bill No. 353.

The Chair laid before the Senate on second reading the following bill:

S. B. No. 353, A bill to be entitled "An Act to provide for the organization, incorporation or admission and regulation and taxation of Mutual Insurance Companies; repealing Chapters 5, 6, 9, 12, 14, and 15 of Title 78, of the Revised Civil Statutes of 1925, and all other laws or parts of laws in conflict herewith; providing a penalty for the violation of the provisions thereof; and declaring an emergency."

On motion of Senator McFarlane, the bill was laid on the table subject to call.

Senate Bill No. 57.

Senator Parr called up from the table the following bill:

S. B. No. 57, A bill to be entitled "An Act to provide for increasing the territorial limits of any city of more than five thousand inhabitants which has adopted a charter under Home Rule Amendment, Article 11, Section 5, of the Constitution; pro-

viding for annexation of adjacent territory by a majority vote of the qualified voters of the city affected, and of the territory annexed; and providing for the adjustment upon a just and equitable basis of the bonded indebtedness against the territory annexed, has theretofore been included in any irrigation district or water improvement district or water control and improvement district under any of the provisions of the General Laws of the Constitution, and carrying at the time each such adjacent territory is annexed to said city, bonded indebtedness or flat rates due to the irrigation district, water improvement district or water control and improvement district, and repealing all laws general or special in conflict herewith, and declaring an emergency."

The bill was read second time.

Senator Woodul sent up the following amendments:

Amend S. B. No. 57 by adding after Section 3 the following:

"Section 4. Provided further, however, that nothing in this Act shall be held or construed to repeal or nullify any charter provision of any city of over one hundred thousand inhabitants according to the last United States census, operating under Article 11, Section 5 of the Constitution providing for the annexation of additional territory by ordinance, where such territory does not include any irrigation district or water improvement district or water control and improvement district, or any part or parts thereof; but shall be construed as an additional power and cumulative of the said charter provisions."

The amendment was read and adopted.

Amend S. B. No. 57 by changing Section 4 to Section 5, Section 5 to Section 6 and Section 6 to Section 7.

The amendment was read and adopted.

Amend caption of S. B. No. 57 after the word "district" in the fourth line above the enacting clause on page 106 of the Journal by inserting,

"And providing that this Act shall not repeal or nullify any charter provision of any city of over one hundred thousand inhabitants according to the last United States census, operating under Article 11,

Section 5 of the Constitution, providing for annexation of territory by ordinance where such territory does not include any irrigation district or water improvement district or water control and improvement district, or any part thereof, but shall be construed as additional power and cumulative of said charter provision."

The amendment was read and adopted.

The bill as amended passed to engrossment.

On motion of Senator Parr the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 57 was put on third reading and final passage, by the following vote:

Yeas—28.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Pollard.
DeBerry.	Russek.
Gainer.	Small.
Holbrook.	Stevenson.
Hornsby.	Thomason.
Hyer.	Westbrook.
Love.	Williamson.
Martin.	Wirtz.
McFarlane.	Witt.
Miller.	Woodul.
Moore.	Woodward.

Absent—Excused.

Greer.	Neal.
Hardin.	

Read third time and finally passed by the following vote:

Yeas—28.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Pollard.
DeBerry.	Russek.
Gainer.	Small.
Holbrook.	Stevenson.
Hornsby.	Thomason.
Hyer.	Westbrook.
Love.	Williamson.
Martin.	Wirtz.
McFarlane.	Witt.
Miller.	Woodul.
Moore.	Woodward.

Absent—Excused.

Greer.	Neal.
Hardin.	

Senate Bill No. 81.

Senator Woodul called up from the table the following bill:

S. B. No. 81, A bill to be entitled "An Act protecting State banks and National banks and banking institutions doing business in this State in the payment of funds in a joint deposit to the survivor when the deposit is made by one of the depositors in form to be paid to either of them or the survivor; and providing regulations in reference to such deposits; and declaring an emergency."

The bill was read second time.

Bills Signed.

The Chair, Lieut. Governor Barry Miller, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills:

H. C. R. No. 16.

H. B. No. 12.

Adjournment.

On motion of Senator Wirtz, the Senate, at 4:35 o'clock p. m., adjourned until 10:00 o'clock Thursday morning.

APPENDIX.

Petitions and Memorials

(TELEGRAM)

Clemson College, S. C., Feb. 6.
Hon. Barry Miller, President State Senate, Austin, Texas.

We believe from information at hand that passage of House bill 162 in its present form would disorganize Federal and State quarantine work and might cause South Carolina to quarantine against cotton and other products from Texas.

Franklin Sherman, State Entomologist, S. C., Crop Pest Com.

February 4, 1929.

To the Governor and Legislature of Texas, Austin, Texas.

His Excellency, Gentlemen, and Ladies:

The last of warrants amounting to approximately \$1,250,000, carried by the Reserve Depository Banks of Dallas, Austin, Fort Worth and San Antonio for about 30 days to pre-

vent the States going on a deficiency have just been paid, and I am happy to advise you that the State is now actually, as well as technically, on a cash basis.

Now then, without in anywise intending or attempting to dictate to, or interfere with you, in the discharge of your duties as Governor and Legislators, as your State Treasurer I feel it incumbent upon me to remind, and inform you of the following conditions respecting the States finances, past, present and prospective future:

As you perhaps know, for fifteen or more years time there has been a hi-at-us between receipts and disbursements in the General Revenue Fund, and the State yearly has gone on actual deficiency for a period of time varying from sixty to one hundred and twenty days.

The deficiency was both actual and technical prior to my administration, and State employees and others receiving General Revenue warrants in satisfaction of indebtedness due them by the State, were forced to discount these warrants at a loss to them, and to others indirectly affected, a total loss which probably approximates the sum of not less than a million dollars each year. Since February 25, 1925, no one has been required to discount a warrant. But while the doors of the Treasury have remained open, and all warrants paid when presented, the paying, for a period of the year was done by certain patriotic banks working with me to save the States credit at home, and its good reputation abroad.

This method while temporarily saving the State's credit, is economically unsound and imposes an unnecessary risk and burden upon banks rendering this assistance to the Treasurer.

Knowing, as I do, that neither myself or anyone who may succeed me will be warranted in relying on this artificial method of financing the State at certain periods of the year, I feel it incumbent upon me to so advise you, that steps may be taken to prevent our again going on a deficiency, which can only be accomplished by providing that the indebtedness of the State will not mature until revenues shall have been collected, and paid into State Treasury.

The bankers have talked plainly to me about this matter and I candidly tell you that if a remedy is not provided you need not be surprised to wake up some "November Morn" to find your State on deficiency. State employees and others hawking state warrants and the "loan sharks" and other "Shylocks" in and out of Austin again plying their trade to the everlasting disgrace of Texas.

In addition to the above, I would call attention to the fact that annually the Confederate Pension Fund is overdrawn for a period of from three to five months for sums amounting from \$100,000, to \$1,000,000, and I believe you should provide a remedy for this situation, so that these Dear old Veterans, now fast "answering the Big Roll Call," while they are yet with us, can be paid their quarterly pensions without question, and without violation of law.

Yours very truly,

W. GREGORY HATCHER,
State Treasurer.

Waco, Texas, February 5.

Senator E. E. Witt,
Austin, Texas

Dear Senator:

I notice that there is now pending before the Legislature a Bill to modify our present search and seizure Law. I am unalterably opposed to any change in this Law. Our Constitution prohibits the searching of premises without a Search Warrant procured in the regular way, and it seems to me that the Legislature ought to require a compliance with this Law. In fact, I do not understand how the Courts ever held that an officer should be permitted to violate a constitutional provision and secure evidence and then use such evidence in Court. The protection that a citizen now has to remain undisturbed in his home is about the only real protection that we have left. After I have done a hard day's work and gone home and closed my front door, I want the satisfaction of knowing that I have the right to say who shall cross my threshold, and that no one but a duly constituted Court has the right after hearing proper evidence to violate the sanctity of my home and gain entrance thereto. I think the same reason applies to a man with reference to his person and his auto-

mobile. If this Law is repealed, irresponsible officers, and many of them are such, will have the right to violate the Constitution and search men and women in their person and property without regard to the Constitution.

It may be that by a strict enforcement of the present Law, a few bootleggers will get by without being caught. I have been a prohibitionist all my life, but personally I think it better that a few bootleggers should escape rather than have people's homes and property searched by irresponsible officers indiscriminately and at their will. I hope our McLennan County Delegates will stand solidly for the protection of the home and the person and the property of our citizens even though it should develop that some man should at some time get a drink of whiskey without paying a Doctor for a prescription.

I am sending a copy of this letter to each of our Representatives.

Yours very truly,
JAMES P. ALEXANDER.

Washington, D. C., February 2.
Hon. Bob Barker, Secretary,
State Senate, Austin, Texas.
My dear Sir and Friend:

I write to acknowledge receipt of your letter enclosing copies of Senate Concurrent Resolutions Nos. 11 and 12. I shall be glad to do everything I can to carry out these Resolutions.

With all good wishes, I am,
Yours very sincerely,
MORRIS SHEPPARD.

Committee on Engrossed Bills.

Committee Room,
Austin, Texas, Feb. 6, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 109 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, Feb. 6, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 195 carefully examined and compared,

and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, Feb. 6, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 196 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Reports.

Committee Room,
Austin, Texas, Feb. 5, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 376, A bill to be entitled "An Act conferring upon all cities and towns in Texas and conferring upon all independent school districts having 150 scholastics or more, the right and power by the exercise of the right of eminent domain to acquire the fee simple title to real property, for the purpose of supplying playgrounds, sites upon which to build school houses, and for such other purposes as may be necessary for such schools, and providing that the assessing of damages shall be in conformity to the statutes of the State of Texas for condemning and acquiring property by railroads, and providing a method whereby any such city or town or independent school district may take possession of any property condemned after the award of the commissioners, and repealing all laws both general and special in conflict herewith, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WIRTZ, Chairman.

Committee Room,
Austin, Texas, Feb. 5, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 383, A bill to be entitled "An Act to amend Article 1040 of the Code of Criminal Procedure of the State of Texas, relating to al-

lowances for Federal prisoners by providing that net profits as therein defined shall not include any profits derived from the support of Federal prisoners, held under Article 5117, of the Revised Civil Statutes of this State, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WIRTZ, Chairman.

Committee Room,

Austin, Texas, Feb. 5, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 177, A bill to be entitled "An Act to require the publication in some newspapers of general circulation of all notices now required by law or contract to be given of any act or proceeding, whether public or private, or relating to a judicial, executive or legislative matter, which notice is now authorized by law or contract to be made by posting notices in one or more public places, fixing a time of such publication, naming certain exceptions, repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass.

WIRTZ, Chairman.

Committee Room,

Austin, Texas, Feb. 5, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 436, A bill to be entitled "An Act granting to the City of Austin the north half of Block 94 in said city and authorizing the colored Methodist Episcopal Church of Austin, known as the Wesley Chapel, to convey or sell same to said city, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WIRTZ, Chairman.

Committee Room,

Austin, Texas, Feb. 5, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 89, A bill to be entitled "An Act to amend Section 10 of Chapter 25 of the General and Special Laws of the Regular Session of the Fortieth Legislature so as to increase the salary of the judge of the County Criminal Court of Dallas County, Texas, to (\$4,200.00) Four Thousand Two Hundred Dollars per year."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WIRTZ, Chairman.

Committee Room,

Austin, Texas, Feb. 5, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 440, A bill to be entitled "An Act amending Section 1 of Chapter 218 of the General and Special Laws of the Regular Session of the Fortieth Legislature so as to permit blue uniforms in addition to dark grey to be worn by officers making arrests for violation of the laws of this State relating to the speed of motor vehicles; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WIRTZ, Chairman.

Committee Room,

Austin, Texas, Feb. 5, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 85, A bill to be entitled "An Act to amend Chapter 176 of the General Laws of the Thirty-eighth Legislature so as to increase the salary of the Judge of the County Court of Dallas County at Law No. 1, and the judge of the County Court of Dallas County at Law No. 2, from Thirty-six Hundred (\$3,600.00) Dollars per annum to Four Thousand Two Hundred (\$4,200.00) Dollars per annum; prescribing the method of payment."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WIRTZ, Chairman.

Committee Room,

Austin, Texas, Feb. 5, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 165, A bill to be entitled "An Act to fix the salary of the Superintendent of Public Instruction in each County in Texas having a population of not less than 9,000 nor more than 9,010, according to the Federal Census of 1920; providing for office expenses; repealing all laws and parts of laws in conflict; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WIRTZ, Chairman.

Committee Room,

Austin, Texas, Feb. 5, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 374, A bill to be entitled "An Act making it unlawful for any person to fish by means of a net in the counties of Cherokee, Nacogdoches, San Augustine, Angelina, Sabine, Newton, Jasper and Tyler; declaring the violation of the provisions of this Act shall be deemed a misdemeanor and providing a penalty, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WIRTZ, Chairman.

Committee Room,

Austin, Texas, Feb. 5, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 390, A bill to be entitled "An Act making an appropriation to be used for the erection of a monument in the City of Crockett, Houston County, Texas, in memory of David Crockett, a Texas hero, who was killed in the battle of the Alamo, in Texas struggle for freedom;

said appropriation to be used for the purpose of erecting said monument; providing the means, agencies and expenditure of said fund and erection of the monument and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WIRTZ, Chairman.

Committee Room,

Austin, Texas, Feb. 5, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 378, A bill to be entitled "An Act fixing an open season for hunting, taking or killing wild buck deer in the counties of Nueces, Kleberg, Kennedy, Willacy, Cameron, Hidalgo, Starr, Brooks, Duval, Jim Wells, Jim Hogg, Zapata, Webb, LaSalle, Dimmitt, Zavala, Frio and McMullen; amending Article 879g of the Penal Code of 1925 as amended by Chapter 215 of the General and Special Laws of the Regular Session of the Fortieth Legislature; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WIRTZ, Chairman.

(Majority Report.)

Committee Room,

Austin, Texas, Feb. 6, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 223, A bill to be entitled "An Act prescribing that physical and health courses approved by the State Department of Education shall be taught in the public schools of Texas; and authorizing the State Superintendent of Public Instruction to provide for the direction and supervision of physical and health education instruction in the public schools; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

HORNSBY, Vice-Chairman.

(Minority Report.)

Committee Room,
Austin, Texas, Feb. 6, 1929.
Hon. Barry Miller, President of the
Senate.

Sir: We, a minority of your Committee on Educational Affairs, to whom was referred

S. B. No. 223, A bill to be entitled "An Act prescribing that physical and health education courses approved by the State Department of Education shall be taught in the public schools of Texas; and authorizing the State Superintendent of Public Instruction to provide for the direction and supervision of physical and health education instruction in the public schools; and declaring an emergency."

Have had the same under consideration, and beg leave to differ with a majority of the Committee and report it back to the Senate with the recommendation that it do not pass.

CUNNINGHAM.
MOORE.

Committee Room,
Austin, Texas, Feb. 6, 1929.
Hon. Barry Miller, President of the
Senate.

Sir: We, your Committee on Constitutional Amendments, to whom was referred

H. J. R. No. 6, A joint resolution "Proposing an amendment to the constitution of the State of Texas providing for a Supreme Court of nine members, and for continuous session of that Court."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

HORNSBY, Chairman.

Committee Room,
Austin, Texas, Feb. 5, 1929.
Hon. Barry Miller, President of the
Senate.

Sir: We, your Committee on Finance, to whom was referred House Concurrent Resolution No. 12, a House Concurrent Resolution to be entitled

"Providing for a committee to investigate the purchase of land for the State Juvenile Training School at Gatesville, Texas."

Have had the same under consideration, and I am instructed to re-

port back to the Senate with the recommendation that same do pass, and be printed.

POLLARD
PARRISH
Vice-Chairman.

Committee Room,
Austin, Texas, Feb. 5, 1929.
Hon. Barry Miller, President of the
Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 387, A bill to be entitled "An Act setting forth the policy of the State to use the funds derived from the lease and sale of the American Legion Memorial Sanitorium of Texas in building Memorial Armories for the Texas National Guard as a monument to the war dead of the State; appropriating two hundred and fifty thousand (\$250,000) dollars per year for the next two fiscal years to build Memorial Armories; setting forth conditions for their construction; providing that the title to the grounds and Armories shall vest in the State; creating an Armory Board for location and administration of Armories and describing the personnel; providing the method of payment of funds from the Treasury; providing for local management of Armories and describing the methods; setting forth the list of organizations entitled to use of Armories; and declaring an emergency."

Have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

POLLARD
PARRISH
Vice-Chairman.

Committee Room,
Austin, Texas, Feb. 6, 1929.
Hon. Barry Miller, President of the
Senate.

Sir: We, your Committee on State Penitentiaries, to whom was referred

S. B. No. 439, A bill to be entitled "An Act providing for the compensation of certain employees of the State Penitentiary System, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

McFARLANE, Chairman.

Committee Room,
Austin, Texas, Feb. 6, 1929.
Hon. Barry Miller, President of the
Senate.

Sir: We, your Committee on
State Penitentiaries, to whom was
referred

S. B. No. 437, A bill to be entitled
"An Act providing for the execution
of prisoners at the State Penitentiary
by the sheriff or his chief deputy, or
in the event of their death or disa-
bility by some person to be appointed
by the Board of Prison Commission-
ers; providing for a fee for such exe-
cutioner and his expenses; amending
Articles 802 and 810 of the Code of
Criminal Procedure of 1925; and
declaring an emergency."

Have had the same under consid-
eration and report same back to the
Senate with the recommendation that
it do pass.

McFARLANE, Chairman.

Committee Room,
Austin, Texas, Feb. 6, 1929.
Hon. Barry Miller, President of the
Senate.

Sir: We, your Committee on
State Penitentiaries, to whom was
referred

S. B. No. 342, A bill to be entitled
"An Act relating to the State Peni-
tentiary and the State Prison Sys-
tem; increasing the duties, powers
and functions of the Texas Prison
Board; providing for the reorgani-
zation of the prison system; making
provision for the sale of the prison
farms and the centralization of the
Texas Prison System; providing for
a Board for the valuation and sale of
the present prison properties; and
for a Board for the selection of the
location for the centralization of the
System; providing for power in the
State Board of Control to buy sup-
plies, produce and manufactured
articles from the State Prison Sys-
tem for use by the State; and pro-
viding for the establishment of a
Prison Reformatory with the Texas
Prison System for young, short-term
prisoners; making an appropriation
to be used in carrying out this Act;
and declaring an emergency."

Have had the same under consid-
eration and report it back to the
Senate with the recommendation that
it do not pass, but that the Com-
mittee substitute for bill No. 342 do
pass, in lieu thereof.

McFARLANE, Chairman.

Committee Room,
Austin, Texas, Feb. 6, 1929.
Hon. Barry Miller, President of the
Senate.

Sir: We, your Committee on
Constitutional Amendments, to whom
was referred

S. J. R. No. 9, A joint resolution
"Proposing an amendment to the
Constitution of the State of Texas
fixing the compensation of the Gov-
ernor."

Have had same under considera-
tion and I am instructed to report
it back to the Senate with the recom-
mendation that it do not pass, but
that the committee substitute do pass
in lieu thereof.

HORNSBY, Chairman.

C. S. S. J. R. No. 9
Proposing an amendment to the
Constitution of the State of Texas
fixing the compensation of the
Governor.

Be it resolved by the Legislature of
the State of Texas:

Section 1. That Section 5 of
Article 4 of the Constitution of the
State of Texas be amended so as to
read as follows:

Sec. 5. He shall, at stated times,
receive as compensation for his ser-
vices an annual salary of not more
than Twelve Thousand (\$12,000.00)
and shall have the use and occupa-
tion of the Governor's Mansion, fix-
tures, and furniture.

Sec. 2. The foregoing Constitu-
tional Amendment shall be submit-
ted to a vote of the qualified elec-
tors of this State at the General Pri-
mary Election to be held the fourth
Saturday in July, 1930, at which
all ballots shall have printed thereon
"For the Constitutional Amendment
fixing compensation of the Gover-
nor" and "Against the Constitu-
tional Amendment increasing the
compensation of the Governor."
Each voter shall scratch out one of
said clauses on the ballot, leaving
the one expressing his vote on the
proposed amendment.

Sec. 3. The Governor shall issue
the necessary proclamation for said
election and have same published as
required by the Constitution and
laws of the State.

The sum of Five Thousand Dol-
lars, (\$5,000.00) or so much thereof
as may be necessary is hereby ap-
propriated out of the State Treasury
to pay the expenses of said publica-
tion and election.

(Majority Report)

Committee Room,
Austin, Texas, Feb. 6, 1929.
Hon. Barry Miller, President of the Senate:

Sir: We, a majority of your Committee on Constitutional Amendments, to whom was referred S. J. R. No. 17.

"Relating to the amendment of Article 5, Sections 15, 21, and 23, of the Constitution of the State of Texas, abolishing the fee system of compensation of the offices of County Judge, County Attorney, and Sheriffs; providing that such officers be paid salaries, and further providing that the Legislature pass laws necessary to carry out the intent of this Act, and to fix the amount of such salaries to be paid the respective officers."

Have had same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass.

HORNSBY, Chairman.

(Minority Report)

Committee Room,
Austin, Texas, Feb. 6, 1929.
Hon. Barry Miller, President of the Senate:

Sir: We, a minority of your Committee on Constitutional Amendments, to whom was referred S. J. R. No. 17.

"Relating to the amendment of Article 5, Sections 15, 21, and 23, of the Constitution of the State of Texas, abolishing the fee system of compensation of the offices of County Judge, County Attorney, and Sheriffs; providing that such officers be paid salaries, and further providing that the Legislature pass laws necessary to carry out the intent of this Act, and to fix the amount of such salaries to be paid the respective officers."

Have had same under consideration and beg to report it back with recommendation that it do not pass.

PARR.

WOODUL.

Committee Room,
Austin, Texas, Feb. 5, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to whom was referred S. J. R. No. 11,

"Proposing an amendment to Sec-

tion 50 Article 3 of the Constitution of the State of Texas, authorizing the Legislature to lend the credit of the State of Texas to the cotton growers of the State of Texas for the purpose of stabilizing the price of cotton by issuing and selling bonds of the state in an amount not to exceed fifty million dollars for a revolving fund with which the state can buy, store, and sell cotton and to empower the legislature to levy and collect an equalization fee on cotton not to exceed one dollar a bale, to pay the interest on said bonds and to create an emergency fund to be used in case of loss and to further stabilize the price of cotton by authorizing the legislature to pass laws reasonably limiting the acreage planted in cotton; and also to create a cotton commission to fix the price of cotton and to buy, store and sell cotton."

Have had same under consideration and I am instructed to report it back to the Senate with the recommendation that it do not pass.

HORNSBY, Chairman.

Committee Room,
Austin, Texas, Feb. 5, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to whom was referred S. J. R. No. 14.

"Proposing an amendment to Section 5 of Article VII of the Constitution of the State of Texas by providing therein that the State Board of Education is authorized to, and may, create new school districts at such of the several eleemosynary institutions of this State, including the State Orphan Asylum or at any of all orphan homes or like institutions that may be established by any fraternal organization, church or corporation, provided the same is duly and regularly incorporated under the laws of this State and that the number of children within the scholastic age in each instance be sufficient to justify such action. The territorial limits in each case shall be co-extensive with the property lines of the institution and such district and the children thereof of scholastic age shall be entitled to all rights, privileges, and benefits of the other school districts of this State.

Providing that the Governor shall submit this proclamation to the

qualified voters of this State and making an appropriation therefor."

Have had same under consideration and I am instructed to report it back to the Senate with the recommendation that it do not pass.

HORNSBY, Chairman.

Committee Room,

Austin, Texas, Feb. 5, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to whom was referred S. J. R. No. 8,

"Proposing an amendment to the State Constitution so as to authorize the submission to the people of constitutional amendments at Special Sessions of the Legislature as well as at biennial sessions thereof."

Have had the same under consideration and I am instructed to report it back with recommendation that it do pass.

HORNSBY, Chairman.

Committee Room,

Austin, Texas, Feb. 6, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to whom was referred

S. J. R. No. 18, A joint resolution "Proposing an amendment to Article 16 of the Constitution; providing that the Legislature shall have power to enact laws under which Employers' Liability Insurance and Workmen's Compensation shall be provided for and administered by the State through such State instrumentalities and agencies as shall be provided by law, such Employers' Liability Insurance and Workmen's Compensation never to be administered by private or semi-private associations, corporations, or individuals; providing for an election upon such proposed constitutional amendment and making an appropriation therefor"

Have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass.

HORNSBY, Chairman.

(Majority Report.)

Committee Room,

Austin, Texas, Feb. 6, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, a majority of your Com-

mittee on Constitutional Amendments, to whom was referred

S. J. R. No. 16, A Joint Resolution "Relating to the amendment of Article 16, Section 44, of the Constitution of the State of Texas, abolishing the office of County Treasurer."

Have had same under consideration and I am instructed to report it back to the Senate with the recommendation that it do not pass.

HORNSBY, Chairman.

(Minority Report.)

Committee Room,

Austin, Texas, Feb. 6, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, a minority of your Committee on Constitutional Amendments, to whom was referred,

S. J. R. No. 16, A joint resolution "Relating to the amendment of Article 16, Section 44, of the Constitution of the State of Texas, abolishing the office of County Treasurer."

Have had the same under consideration and recommend that it do pass.

MOORE.

HORNSBY.

Committee Room,

Austin, Texas, Feb. 6, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred,

S. B. 449, A bill to be entitled "An Act to amend Subdivision 78 of Article 199 of the Revised Civil Statutes of the State of Texas of 1925, Section 1, Chapter 99, of the Acts of the Regular Session of the Thirty-eighth Legislature, amending Section 1, Chapter 6 of the Acts of the Regular Session of the Thirty-fourth Legislature, so as to more definitely define the territorial jurisdiction of the Seventy-eighth Judicial District of Texas, composed of Wichita County, and to change the times and terms of holding the District Court in the said Seventy-eighth Judicial District: To validate all process heretofore issued, bonds and recognizances heretofore taken in the courts of said district and all judgments therein rendered or to be rendered; and repealing all laws in conflict therewith, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the

recommendation that it do pass and be not printed.

PATTON, Chairman.

Committee Room,
Austin, Texas, Feb. 6, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Privileges and Elections, to whom was referred,

S. B. No. 335, A bill to be entitled "An Act to permit voting in any election by heads of State departments, United States Senators and Congressmen from Texas, and persons in the diplomatic and consular service of the United States temporarily absent; fixing the place of their residences, and providing for the procuring by such persons of poll tax or exemption receipts in person or through representatives by authority in writing containing certain information and stating that the person owing such poll tax or claiming exemption is unable, on account of absence on official duties, to apply for same in person, and for the deposit of such authority with the tax collector to be filed and preserved by him; providing for absentee voting by such persons under Article 2956, Title 50, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

HOLBROOK, Chairman.

Committee Room,
Austin, Texas, Feb. 6, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Privileges and Elections, to whom was referred,

S. B. No. 394, A bill to be entitled "An Act to amend the Revised Civil Statutes of Texas, 1925, by adding thereto 26 new Articles to be numbered No. 3173a, b, etc., said Articles providing special provisions in the election laws of the State of Texas relating to voting machines; providing for examination and approval of voting machines by the Secretary of State; setting out requirements of voting machines; providing for adoption of voting machines; making provisions for the experimental use of voting machines; providing machines generally; providing voting machines in cities of

more than 100,000 population; setting out how and who shall make payment for machines; providing for use of voting machines for absentee voters; form of ballots on voting machines; providing for sample ballots; setting out method of preparation of voting machines; instruction of election officers; instruction of voters before election; distribution of ballots and stationery; opening of the polls, setting out certain preliminaries; examination of machines on election day and final preparation thereof; general provisions as to conduct of election and primaries when using voting machines; instruction of voters on election day and assistance given voters; manner of voting on voting machine; voting for person whose name does not appear on ballot; unofficial ballots and repair of machines or substitution of machines; canvass of vote and proclamation of result; statements of canvass; providing for preservation of ballots and record of voting machine; custody of voting machines and keys; provisions for recanvass of vote; application of other articles regarding the holding of elections and primaries and penal law; definitions; representation."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, with the following Committee amendments:

Amendment No. 1.

Amend the bill by striking out all of line No. 30, page 3, Article 3173e and striking out line No. 1 and part of line No. 2 down to and including the word "census" in said line No. 2, page 4, and striking out all of Article 3173f, page 4, and re-letter succeeding sections.

Amendment No. 2.

Amend bill by adding at the end of Article 3173i the following:

"Where the lease price has been paid, however, for use of voting machine in a primary election, no charge shall be levied for a second or run-off primary."

HOLBROOK, Chairman.

Committee Room,
Austin, Texas, Feb. 5, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred, H. B. No. 276, A bill to be entitled "An Act to provide for the payment of actual and necessary expenses of official and deputy official shorthand reporters while actually engaged in the discharge of their duties; providing for the manner of payment of such expenses by the several counties of the Judicial Districts, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and that it be printed in the Senate Journal.

WIRTZ, Chairman.

By Hopkins.

H. B. No. 276.

A BILL
To Be Entitled

An Act to provide for the payment of actual and necessary expenses of official and deputy official shorthand reporters while actually engaged in the discharge of their duties; providing for the manner of payment of such expenses by the several counties of the Judicial Districts, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas: .

Section 1. All official shorthand reporters and deputy official shorthand reporters of the District Courts of the State of Texas, composed of more than one county, when engaged in the discharge of their official duties in any county in this State other than the county of their residence shall, in addition to the compensation now provided by law for their services, be allowed their actual and necessary expense while actually engaged in the discharge of such duties, not to exceed the sum of Four Dollars per day for hotel bills, and not to exceed four cents a mile when traveling by railroad or bus lines, and not to exceed ten cents a mile when traveling by private conveyance in going to and returning from the place where such duties are discharged, traveling the nearest practical route. Such expenses shall be paid after the completion of each term of court by the respective counties of the judicial district for which they are incurred, each county paying the expenses incidental to its own regular or special terms of court, and

said expenses shall be paid to the official or deputy official shorthand reporter by the Commissioners' Court of the county, out of the General Fund of the county, upon the sworn statement of the reporter, approved by the judge.

Provided there shall not be paid to any such official shorthand reporter, or his deputy, more than Six Hundred Dollars in any one year under the provisions of this Act; provided, further, that in districts containing two counties only, the expenses herein allowed shall never exceed Two Hundred Dollars per annum; in districts containing three counties only, the expenses herein allowed shall never exceed Three Hundred Dollars per annum; in districts containing four counties only, the expenses herein allowed shall never exceed Four Hundred Dollars per annum; in districts containing five or more counties the expenses herein allowed shall never exceed Six Hundred Dollars per annum.

The account for such services herein provided for shall be sworn to in duplicate by the reporter, and approved by the district judge, and one copy of said account shall be filed by the reporter with the clerk of the district court of the county where the judge of the district resides.

Whenever a special term of any district court in this State is convened and the services of an additional official or deputy official shorthand reporter is required, then this Act shall also apply to said shorthand reporter so employed by the judge of said special term, and all expenses as herein provided shall be allowed and paid said shorthand reporter so employed for said special term by the county wherein said special term is convened and held, and shall be in addition to the expenses herein provided for the official or deputy official shorthand reporter of the district.

Where the official or deputy official shorthand reporter does not reside in the judicial district for which he or she is appointed, he or she shall only be entitled to traveling expenses from the time he or she reaches the county line of any county in the judicial district. Provided, however, that whenever any official or deputy official shorthand reporter is called upon to report the proceed-

ings of any special term of court, or on account of the sickness of any official shorthand reporter of any judicial district, necessitating the employment of a shorthand reporter from some other county within the State, then the shorthand reporter so employed shall receive and be paid all actual and necessary expenses in going to and returning from the place where he or she may be called on to report the proceedings of any regular or special terms of court.

Sec. 2. The fact that official and deputy official shorthand reporters now have no expense allowances and are forced to pay their traveling expenses out of their salaries and are required to attend many terms of court, thus materially reducing the salaries guaranteed them by law, creates an emergency and imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and the same is hereby suspended, and that this Act take effect from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, Feb. 6, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 425, by Westbrook, have had the same under consideration, and beg leave to report it back to the Senate, with the recommendation that it do pass and be printed in the Journal.

HORNSBY, Chairman.

By Westbrook. S. B. No. 425.

A BILL

To Be Entitled

An Act requiring trustees of public school districts to provide a suitable United States flag for each school building of the district; requiring the State, city and county superintendents to issue and have observed the necessary instructions for the proper display and protection of the flag, and prescribing a penalty for the violation of the provisions of this Act.

Be it enacted by the Legislature of the State of Texas:

Section 1. That the board of school trustees of each and every common, independent, or municipal school district be and is hereby re-

quired to provide for a suitable United States flag and flagpole for each school building in the district, and the expense incurred in carrying out this provision for the Act shall be paid out of the funds of the district.

Sec. 2. It shall be the duty of the State Superintendent of Public Instruction to issue to each county and city superintendent of public instruction in this State the necessary instructions as to the enforcement of this law, and it shall be the duty of the county and city superintendents of public instruction in every county in this State to see that the provisions of this law and the instructions of the State Superintendent of Public Instruction relative to this law are carried out. The State Superintendent of Public Instruction shall include, in instructions to city and county superintendents, provisions requiring the flag of each schoolhouse to be kept within doors, to be displayed on the exterior of the building only in good weather, on suitable occasions, and at such regular intervals as may be desirable, at the same time providing for such regular use of the flag in patriotic exercises as may inspire in the children of the State the proper reverence for the flag and the Nation it represents.

Sec. 3. Any official or employee of the public free schools failing to perform his or her legal duty in connection with the administration of this Act shall be deemed guilty of a misdemeanor, and shall be subject to a fine of not more than five hundred dollars or removal from office, or both fine and removal from office.

TWENTY-THIRD DAY

Senate Chamber,

Austin, Texas,

Thursday, February 7, 1929.

The Senate met at 10 o'clock a. m. pursuant to adjournment and was called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	DeBerry.
Berkeley.	Gainer.
Cousins.	Hardin.
Cunningham.	Holbrook.